

### POTENTIAL AUTHORITIES UNDER THE EMERGENCIES ACT

The Government of Canada requires further authorities in the context of protecting critical infrastructure, protecting public safety, and mitigating disruption to the national transportation system.

Additional powers notwithstanding, laws require enforcement. New powers can only help if there is a clear pathway and commitment to enforcement.

| Objective                                                                                                                                     | Authority                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Penalty / contravention                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ensure provision of tow truck services                                                                                                        | <ul style="list-style-type: none"> <li>• Enable police of local jurisdiction [or military] to compel provision of tow truck services</li> <li>• Enable police of local jurisdiction [or military] to commandeer tow trucks</li> <li>• Enable police of local jurisdiction [or military] to designate any person qualified to undertake towing activities to commandeer a tow truck (e.g. OC transpo tow truck drivers could operate a seized tow truck)</li> <li>• Absolve comandeerer (police, military, designated individual) of any liability for damages to commandeered tow truck</li> </ul> | <ul style="list-style-type: none"> <li>• \$75,000 – 100,000</li> <li>• Forfeiture of vehicle</li> <li>• loss of company operating licence (2 years)</li> <li>• loss of personal drivers' licence (2 years)</li> </ul>                                                                                                                                                                                                                        |
| Removal of private and commercial vehicles to block road, highways, bridges, tunnels and access to critical infrastructure or trade corridors | <p>Create an offence to use private or commercial vehicles (e.g. cars, trucks, tractors, heavy equipment etc.) to block road, highways, bridges, tunnels and access to critical infrastructure.</p> <p>Every day represents a single contravention (so 5 days equals 5 contraventions)</p>                                                                                                                                                                                                                                                                                                         | <p>Individuals:</p> <ul style="list-style-type: none"> <li>• Automatic suspension of license (similar to drunk driving)</li> <li>• Fines: \$10,000 - \$50,000</li> <li>• 6-12 months imprisonment</li> <li>• Forfeiture of vehicle</li> </ul> <p>Corporations</p> <ul style="list-style-type: none"> <li>• fines: \$75,000 - \$500,000</li> <li>• Corporate Directors 12-18 months imprisonment</li> <li>• Forfeiture of vehicles</li> </ul> |
| Remove blockades of roads and bridges that provide access to POE                                                                              | Make it illegal to purposefully block access to POE by any means (including by parking a vehicle on a roadway, bridge etc)                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <ul style="list-style-type: none"> <li>• Fines: \$10,000 - \$50,000</li> <li>• 6-12 months imprisonment</li> </ul>                                                                                                                                                                                                                                                                                                                           |

[APG]

| Objective                                                                                                                                                       | Authority                                                                                                                                                                                                                                                   | Penalty / contravention                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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|                                                                                                                                                                 |                                                                                                                                                                                                                                                             | <p>When a vehicle is used to perpetuate a blockade of POE</p> <ul style="list-style-type: none"> <li>• immediate suspension of drivers licence</li> <li>• Seizure of vehicle and/or forfeiture of vehicle</li> </ul> <p>If the vehicle is a commercial motor vehicle:</p> <ul style="list-style-type: none"> <li>• Barred from applying for motor carrier safety certificate for [2] years</li> <li>• Automatic rating of 'unsatisfactory' for motor carrier safety certificate for [2] years if already held</li> </ul> |
| Prevent blockades of roads and bridges that provide access to POE                                                                                               | Make it an offense to conspire to block a road or bridge that provides access to POE                                                                                                                                                                        | <ul style="list-style-type: none"> <li>• Fines: \$10,000 - \$50,000</li> <li>• 6-12 months imprisonment</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                       |
| Address the use of private or commercial marine vessels to block waterways and critical infrastructure                                                          | <ul style="list-style-type: none"> <li>• Create an offence to use private or commercial marine vessels to block waterways and access to critical infrastructure. Every day represents a single contravention (so 5 days equals 5 contraventions)</li> </ul> | <p>Individuals:</p> <ul style="list-style-type: none"> <li>• Automatic suspension of applicable marine license</li> <li>• Fines: \$10,000 - \$50,000</li> <li>• 6-12 months imprisonment</li> <li>• Forfeiture of vessel</li> </ul> <p>Corporations</p> <ul style="list-style-type: none"> <li>• Fines: \$75,000 - \$500,000</li> <li>• Corporate Directors 12-18 months imprisonment</li> <li>• Forfeiture of vessels</li> </ul>                                                                                        |
| Address the illegal use of aircraft (fixed wing, rotary, drones) in support of illegal blockades (e.g. violation of airspace restrictions, flying over crowds). | Create an offence targeting anyone who flies into or within restricted airspace over an illegal blockade                                                                                                                                                    | <p>Individuals:</p> <ul style="list-style-type: none"> <li>• Automatic suspension of pilot license</li> <li>• Fines: \$10,000 - \$50,000</li> <li>• 6-12 months imprisonment</li> <li>• Forfeiture of aircraft</li> </ul> <p>Corporations</p> <ul style="list-style-type: none"> <li>• Fines: \$75,000 - \$500,000</li> <li>• Corporate Directors 12-18 months imprisonment</li> </ul>                                                                                                                                   |

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| Objective                                                                                                              | Authority                                                                                                                                                                                                                                | Penalty / contravention                                                                                                                                                                                                                                                                   |
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|                                                                                                                        |                                                                                                                                                                                                                                          | <ul style="list-style-type: none"> <li>• Forfeiture of aircraft</li> </ul>                                                                                                                                                                                                                |
| Limit financial and logistical support for illegal blockades                                                           | <p>Create an offence targeting anyone who aids, counsels or directs another person to commit an offence.</p> <p>Create an offence for providing financial or logistical (e.g. fuel) support</p>                                          | <ul style="list-style-type: none"> <li>• Fines: \$10,000 - \$50,000</li> <li>• 6-12 months imprisonment</li> </ul>                                                                                                                                                                        |
| Drivers' licence:<br>Prevent individuals from using any motor vehicle once fined for participation in illegal activity | Authority to immediately revoke the drivers' licence of any individual participating in unlawful activity as part of the protest (threshold?)                                                                                            | <ul style="list-style-type: none"> <li>• Loss of licence (2 years)</li> </ul>                                                                                                                                                                                                             |
| Commercial driver profile / carrier profile/safety rating                                                              | Provide authority to provinces [compel provinces?] to strip drivers and carriers of their ability to operate for using a commercial vehicle to carry out illegal activity                                                                | <ul style="list-style-type: none"> <li>• Suspension of carrier safety rating (2 years)</li> <li>• Suspension of CVOR (or other provincial equivalent) (2 years)</li> <li>• Suspension of driver profile (2 years)</li> <li>• Suspension of class 1 commercial driver's licence</li> </ul> |
| Economic Disincentive                                                                                                  | Revoke FAST PASS                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                           |
|                                                                                                                        |                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                           |
| Other potential authorities, not necessarily transportation related                                                    |                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                           |
| Create additional disincentives to participation in illegal protest activity                                           | Layer an additional levy or "surcharge" on every ticket issued to cover administrative burden.                                                                                                                                           | Add an additional 0 to every fine (e.g. \$50 ticket becomes \$500)                                                                                                                                                                                                                        |
| Prevent activities that mislead law enforcement                                                                        | Make it a punishable offence (or amplify penalties if offence already exists) to trick or mislead a law enforcement officer (e.g. empty jerry cans, falsely reporting convoys are headed to one area to deflect attention from another). |                                                                                                                                                                                                                                                                                           |

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| Objective                                                                                      | Authority                                                                                                                                             | Penalty / contravention                                                             |
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| Further deter those undertaking illegal activity from subjecting children to unsafe conditions | Make it an offence to involve children in illegal protest activities<br><br>Make it an offence to have a child in the cab of a truck during a protest | <ul style="list-style-type: none"> <li>Prison?</li> <li>Loss of licence?</li> </ul> |
| Economic Disincentive                                                                          | Prohibit from ability to benefit from any federal government program, e.g. EI                                                                         |                                                                                     |
| Protect CI                                                                                     | Install bollards/protections for CI – key streets                                                                                                     |                                                                                     |
|                                                                                                |                                                                                                                                                       |                                                                                     |

In addition, below is a sample of powers that Minister of TC currently has but that could serve as models for the current circumstance. In some places, the text of the provision has been modified to indicate how it could be tailored, as each example would be pulled from a specific legislative scheme. Note “example / model” column to see where the idea came from.

| Objective                               | Authority                                                                                                                                                                                                                        | Example / Model                             | Possible Penalty / contravention provisions                                                 |
|-----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|---------------------------------------------------------------------------------------------|
| Compel movement of vehicles or vessels. | The Minister may direct any person to do or refrain from doing anything that the Minister believes is necessary to respond to a threat, including evacuations, diversions, and movement of <b>[vehicles, vessels]</b> or persons | AA<br><br>Emergency direction (4.76 – 4.78) | \$75,000 – 100,000 for monetary penalty<br><br>Seizure of vehicle<br><br>Summary conviction |
| Compel movement of vehicles or vessels. | The Minister may make directions requiring any person to do or refrain from doing anything that the Minister believes is appropriate to respond to [a threat], including evacuation and diversion of traffic or persons.         | IBTA<br><br>Emergency direction (17 – 21)   | \$75,000 – 100,000 for monetary penalty<br><br>Seizure of vehicle<br><br>Summary conviction |

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| Compelling the cessation of an activity causing threat or risk. | The Minister may direct a person engaged in [importing, offering for transport, handling or transporting dangerous goods, or supplying or importing means of containment] to cease that activity or conduct other activities to reduce danger to public safety                                                                                                                                                                                                      | TDGA<br><br>Protective direction (32) | \$75,000 – 100,000 for monetary penalty<br><br>Seizure of vehicle<br><br>Summary conviction |
| Compel movement of vehicles or vessels.                         | The Minister may direct a vessel to: proceed to and remain at a specified place, by a specified route and manner until the Minister is satisfied that the threat no longer exists; proceed out of Canada by a specified route and manner; or, remain outside Canada.<br><br>If the Minister has reasonable grounds to believe that a <b>[vessel]</b> is a threat to the security of any person or thing, including any goods, <b>[vessel]</b> or [marine facility]. | MTSA<br><br>Direction (16(1), (3))    | \$75,000 – 100,000 for monetary penalty<br><br>Seizure of vehicle<br><br>Summary conviction |
| Ensure provision of tow truck services                          | Enable police of local jurisdiction to compel provision of tow truck services<br><br>Enable police of local jurisdiction commandeer tow trucks                                                                                                                                                                                                                                                                                                                      |                                       | \$75,000 – 100,000<br><br>Forfeiture of vehicle                                             |

[APG]

The authority to make regulatory order while a declaration of public order emergency is in effect under the Act is provided in section 19:

**19 (1)** While a declaration of a public order emergency is in effect, the Governor in Council may make such orders or regulations with respect to the following matters as the Governor in Council believes, on reasonable grounds, are necessary for dealing with the emergency:

- **(a)** the regulation or prohibition of
  - **(i)** any public assembly that may reasonably be expected to lead to a breach of the peace,
  - **(ii)** travel to, from or within any specified area, or
  - **(iii)** the use of specified property;
- **(b)** the designation and securing of protected places;
- **(c)** the assumption of the control, and the restoration and maintenance, of public utilities and services;
- **(d)** the authorization of or direction to any person, or any person of a class of persons, to render essential services of a type that that person, or a person of that class, is competent to provide and the provision of reasonable compensation in respect of services so rendered; and
- **(e)** the imposition
  - **(i)** on summary conviction, of a fine not exceeding five hundred dollars or imprisonment not exceeding six months or both that fine and imprisonment, or
  - **(ii)** on indictment, of a fine not exceeding five thousand dollars or imprisonment not exceeding five years or both that fine and imprisonment,

for contravention of any order or regulation made under this section.

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